UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THOMAS A. RICHARDS,

                    Plaintiff,

   -against-   9:04-CV-1433
                                         (LEK/RFT)

GLENN S. GOORD; JOHN H. NUTTALL,
Deputy Commission for Programs; LESTER
WRIGHT, M.D., M.P.S.; DWIGHT E. BRADFORD,
Director of Substance Abuse Treatment Services;
JAMES NICHOLS, Deputy Superintendent
for Programs; ANNE BYERWALTERS, Senior
Correction Counselor and Temporary Release
Committee Chairperson, a/ka/ Anne Joslyn;
KAREN PHILLIPS, Senior Correctional and
Program Committee Chairperson; LARRY ZICK,
Correction Counselor and Program Committee
Member; and NEW YORK STATE DEPARTMENT
OF CORRECTIONS,

                    Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on October

20, 2006, by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C.

§ 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 33).

Within ten days, excluding weekends and holidays, after a party has been served with a copy

of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written

objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance

with L.R. 72.1. No objections have been raised in the allotted time with respect to the Judge Lowe's

Report-Recommendation. Furthermore, after examining the record, the Court has determined that

the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 33) is **APPROVED** and

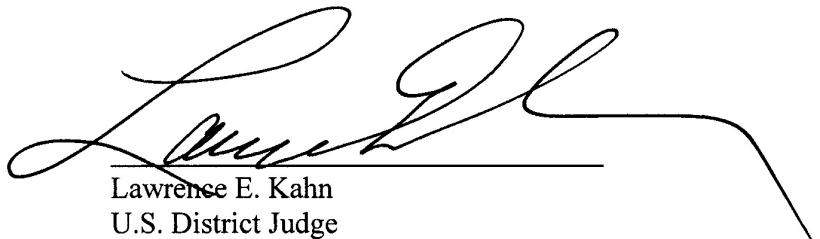**ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Defendants' Motion for judgment on the pleadings (Dkt. No. 27) is

GRANTED; and it is further

ORDERED, that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** in all respects; and it is

further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: January_23, 2007
             Albany, New York

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Lawrence E. Kahn
U.S. District Judge